

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

VIVIAN SAENZ

vs.

ADIZJON RAZIKOV, Individually,
RYDER TRUCK RENTAL, INC., and
ROADTEX TRANSPORTATION
CORPORATION

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CIVIL ACTION NO. 7:15-cv-218

JURY DEMANDED

INDEX OF STATE COURT DOCUMENTS

TAB	DOCUMENT	DATE
1.	Plaintiff's Original Petition	03/26/2015
2.	Civil Docket Sheet	03/26/2015
3.	Issued Citation – Adizjon Razikov	04/02/2015
4.	Issued Citation – Ryder Truck Rental, Inc.	04/02/2015
5.	Return of Service – Adizjon Razikov	04/14/2015
6.	Return of Service – Ryder Truck Rental, Inc.	04/15/2015
7.	Defendant Adizjon Razikov's Original Answer to Plaintiff's Original Petition with Request for Jury Trial	05/01/2015
8.	Defendant Ryder Truck Rental, Inc.'s Original Answer to Plaintiff's Original Petition	05/04/2015
9.	Defendant Ryder Truck Rental, Inc.'s Demand for Jury Trial	05/04/2015

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Hidalgo County District Clerks
Reviewed By: Alexis Bonilla

NO. C-1278-15-H

VIVIAN SAENZ
Plaintiff,

V.

ADIZJON RAZIKOV, Individually,
RYDER TRUCK RENTAL, INC., and
ROADTEX TRANSPORTATION
CORPORATION
Defendants.

§ IN THE DISTICT COURT

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AT LAW NO. _____

HIDALGO COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES VIVIAN SAENZ, hereinafter called Plaintiff, complaining of and about Adizjon Razikov, Individually, Ryder Truck Rental, Inc. and Roadtex Transportation Corporation hereinafter called Defendants, and for cause of action shows unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

PARTIES AND SERVICE

2. Plaintiff, VIVIAN SAENZ, is an Individual whose address is 3210 Knights Ave., Edinburg, Texas 78539.

3. Defendant ADIZJON RAZIKOV, an Individual who is a resident of New York, may be served with process at his home at the following address: 26 Ebbitts St. Apt # 5C, Staten Island, New York. Service of said Defendant as described above can be effected by certified mail, return receipt requested.

4. Defendant RYDER TRUCK RENTAL, INC., defendant, a Corporation based in

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Texas, is organized under the laws of the State of Texas, and service of process on the Defendant may be effected pursuant to sections 5.201 and 5.255 of the Texas Business Organizations Code, by serving the registered agent of the corporation, Corporate Creations Network, Inc., at 4265 San Felipe #1100, Houston, Texas 77027, its registered office. Service of said Defendant as described above can be effected by certified mail, return receipt requested.

5. Defendant ROADTEX TRANSPORTATION CORPORATION, defendant, a Corporation based in New Jersey, is organized under the laws of the State of Texas, and service of process on the Defendant may be effected pursuant to sections 5.201 and 5.255 of the Texas Business Organizations Code, by serving the registered agent of the corporation, John Cucevas at 127 Cimarron Trail Apt 2173, Irving, Texas 75063, its registered office. Service of said Defendant as described above can be effected by certified mail, return receipt requested.

JURISDICTION AND VENUE

6. The subject matter in controversy is within the jurisdictional limits of this court.
7. Plaintiff seeks:
 - a. monetary relief over \$200,000 but not more than \$1,000,000.
8. This court has jurisdiction over the parties because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.
9. Venue in HIDALGO County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

FACTS

10. On or about April 4, 2013, at about 3:55 p.m., Plaintiff, Vivian Saenz, was operating a 2004 Tan Chevrolet Suburban in Pharr, Hidalgo County, Texas, in a reasonable and

C-1278-15-H

prudent manner, exercising ordinary care for her safety and the safety of others. Plaintiff slowed down for traffic and Defendant, Adizjon Razikov, as an employee, acting within the course and scope of employment for Defendant, Roadtex Transportation Corporation, failed to control his speed and struck Plaintiff from behind. Defendant, Roadtex Transportation Corporation, leased the 2012 Volvo tractor and trailer from Defendant, Ryder Truck Rentals, Inc. Defendant, Ryder Truck Rentals, Inc., was the owner of the 2012 Volvo Tractor and trailer which Defendant, Adizjon Razikov, was operating at the time of incident.

**PLAINTIFF'S
CLAIM OF NEGLIGENCE AGAINST ADIZJON, RAZIKOV**

11. Defendant, Adizjon Razikov, had a duty to exercise the degree of care that a reasonably careful person would use to avoid harm to others under circumstances similar to those described herein.

12. Plaintiff's injuries were proximately caused by Defendant, Adizjon Razikov's, negligent, careless and reckless disregard of said duty.

13. The negligent, careless and reckless disregard of duty of Defendant, Adizjon Razikov, consisted of, but is not limited to, the following acts and omissions:

- A. In that Defendant, Adizjon Razikov, failed to maintain a clear and reasonable distance between Plaintiff's motor vehicle and Defendant, Adizjon Razikov's, motor vehicle which would permit Defendant, Adizjon Razikov, to bring his motor vehicle to a safe stop without colliding into Plaintiff's motor vehicle;
- B. In that Defendant, Adizjon Razikov, failed to keep such distance away from Plaintiff's motor vehicle as a person using ordinary prudent care would have done;
- C. In that Defendant, Adizjon Razikov, was operating his motor vehicle at a rate of speed which was greater than that would have been operated by a person of ordinary prudence under the same or similar circumstances; and

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Hidalgo County District Clerks
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C-1278-15-H

- D. In that Defendant, Adizjon Razikov, failed to apply his brakes to his motor vehicle.

**PLAINTIFF'S CLAIM OF RESPONDEAT
SUPERIOR AGAINST ROADTEX TRANSPORTATION CORPORATION**

14. At the time of the occurrence of the act in question and immediately prior thereto, Defendant, Adizjon Razikov, was within the course and scope of employment for Defendant, Roadtex Transportation Corporation.

15. At the time of the occurrence of the act in question and immediately prior thereto, Defendant, Adizjon Razikov, was engaged in the furtherance of Defendant, Roadtex Transportation Corporation's, business.

16. At the time of the occurrence of the act in question and immediately prior thereto, Defendant, Adizjon Razikov, was engaged in accomplishing a task for which Defendant, Adizjon Razikov, was employed.

17. Plaintiff invokes the doctrine of Respondeat Superior as against Defendant, Roadtex Transportation Corporation.

**PLAINTIFF'S CLAIM OF
NEGLIGENT ENTRUSTMENT AGAINST
RYDER TRUCK RENTAL, INC.**

18. On April 4, 2013, Defendant, RYDER TRUCK RENTAL, INC., was the owner of the vehicle operated by Defendant, Adizjon Razikov.

19. Defendant, RYDER TRUCK RENTAL, INC., entrusted the vehicle to Defendant, Adizjon Razikov, driver.

20. Defendant, Adizjon Razikov, was an incompetent and/or reckless driver.

21. Defendant, RYDER TRUCK RENTAL, INC., knew, or through the exercise of reasonable care should have known, that Defendant, Adizjon Razikov, was an incompetent

C-1278-15-H

and/or reckless driver.

22. As described herein, Defendant, Adizjon Razikov, was negligent on the occasion in question.

23. Defendant, Adizjon Razikov's, negligence was the proximate cause of Plaintiff's damages.

DAMAGES FOR PLAINTIFF, VIVIAN SAENZ

24. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, VIVIAN SAENZ was caused to suffer back pain, neck pain, left shoulder pain and headaches, and to incur the following damages:

- A. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff, VIVIAN SAENZ for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in HIDALGO County, Texas;
- B. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
- C. Physical pain and suffering in the past;
- D. Physical pain and suffering in the future;
- E. Physical impairment in the past;
- F. Physical impairment which, in all reasonable probability, will be suffered in the future;
- G. Loss of earnings in the past;
- H. Loss of earning capacity which will, in all probability, be incurred in the future;
- I. Loss of Consortium in the past, including damages to the family relationship, loss of care, comfort, solace, companionship, protection, services, and/or physical relations;
- J. Mental anguish in the past;

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- K. Mental anguish in the future;
- L. Fear of future disease or condition; and
- M. Cost of medical monitoring and prevention in the future.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, VIVIAN SAENZ, respectfully prays that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendants for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

GARCIA QUINTANILLA & PALACIOS
5526 N. 10th St.
McAllen, Tx 78504
Tel. (956) 682-9477
Fax. (956) 682-0223

By: 
TORIBIO "TERRY" PALACIOS
Texas Bar No. 15423050
AUDRA PALACIOS CRUZ
Texas Bar No. 24078384
Email: audra@gqplaw.com
Attorney for Plaintiff
VIVIAN SAENZ

389TH DISTRICT COURT

CASE SUMMARY**CASE NO. C-1278-15-H**

Vivian Saenz
VS.
Adizjon Razikov, Ryder Truck Rental, Inc. and Roadtex
Transportation Corporation

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 §

Location: **389th District Court**
 Judicial Officer: **Lopez, Letty**
 Filed on: **03/26/2015**

CASE INFORMATION

Case Type: **Injury or Damage - Motor Vehicle (OCA)**






DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number C-1278-15-H
 Court 389th District Court
 Date Assigned 03/26/2015
 Judicial Officer Lopez, Letty

PARTY INFORMATION

Plaintiff	Saenz, Vivian	<i>Lead Attorneys</i> Cruz, Audra Palacios <i>Retained</i> 956-682-9477(W)
Defendant	Razikov, Adizjon	SAENZ, CARLA M. <i>Retained</i> 956-541-2862(W)
	Roadtex Transportation Corporation	
	Ryder Truck Rental, Inc.	SAENZ, CARLA M. <i>Retained</i> 956-541-2862(W)

DATE**EVENTS & ORDERS OF THE COURT****INDEX**





09/25/2015	Tickler (6:00 PM) (Judicial Officer: Lopez, Letty)	
05/05/2015	 Request <i>Letter Request for Copies</i>	
05/04/2015	 Answer Party: Defendant Ryder Truck Rental, Inc. <i>DEFENDANT RYDER TRUCK RENTAL, INC.'S ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL PETITION</i>	
05/04/2015	 Jury Demand Party: Defendant Ryder Truck Rental, Inc. <i>DEFENDANT RYDER TRUCK RENTAL, INC.'S DEMAND FOR JURY TRIAL</i>	
05/01/2015	 Answer Party: Defendant Razikov, Adizjon <i>Defendant Adizjon Razikov's Original Answer to Plaintiff's Original Petition</i>	
04/02/2015	 Service Issued <i>citation</i>	

TAB 2

389TH DISTRICT COURT

CASE SUMMARY

CASE NO. C-1278-15-H

04/02/2015	Citation By Certified Mail  Razikov, Adizjon Served: 04/14/2015  Ryder Truck Rental, Inc. Served: 04/15/2015  Roadtex Transportation Corporation Unserved (3) by cert mail	
04/02/2015	Clerk's Entry <i>CALLED ATTY NEED COPIES OF PET. FOR CERT MAIL. PR</i>	
03/26/2015	 Original Petition (OCA) <i>Plaintiff's Original Petition</i>	

DATE	FINANCIAL INFORMATION
	Defendant Razikov, Adizjon Total Charges 42.00 Total Payments and Credits 42.00 Balance Due as of 5/8/2015 0.00
	Defendant Ryder Truck Rental, Inc. Total Charges 34.00 Total Payments and Credits 34.00 Balance Due as of 5/8/2015 0.00
	Plaintiff Saenz, Vivian Total Charges 543.00 Total Payments and Credits 543.00 Balance Due as of 5/8/2015 0.00

C-1278-15-H
389TH DISTRICT COURT, HIDALGO COUNTY, TEXAS

CITATION

THE STATE TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you.

Adizjon Razikov
26 Ebbitts St Apt #5C
Staten Island NY 10306

You are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION at or before 10:00 o'clock a.m on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the Honorable 389th District Court of Hidalgo County, Texas at the Courthouse, 100 North Closner, Edinburg, Texas 78539.

Said Petition was filed on the on this the 26th day of March, 2015 and a copy of same accompanies this citation. The file number and style of said suit being, **C-1278-15-H, VIVIAN SAENZ VS. ADIZJON RAZIKOV, RYDER TRUCK RENTAL, INC. AND ROADTEX TRANSPORTATION CORPORATION**

Said Petition was filed in said court by Attorney Audra Palacios Cruz, 5526 N Tenth McAllen TX 78504.

The nature of the demand is fully shown by a true and correct copy of the petition accompanying this citation and made a part hereof.

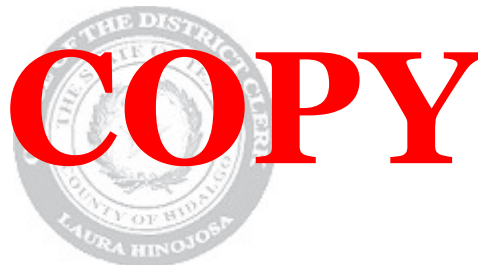
The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at Edinburg, Texas on this the 2nd day of April, 2015.

LAURA HINOJOSA, DISTRICT CLERK
HIDALGO COUNTY, TEXAS



PRISCILLA RIVAS DEPUTY CLERK



CERTIFIED MAIL 70142120000342599414

**CERTIFICATE OF RETURN
UNDER RULES 103 T.R.C.P.**

This is to certify that on this the 2nd day of April, 2015 I, Priscilla Rivas, Deputy Clerk of the 389th District Court of Hidalgo County, Texas mailed to the defendant in Cause Number C-1278-15-H, Vivian Saenz VS. Adizjon Razikov, Ryder Truck Rental, Inc. and Roadtex Transportation Corporation a copy of the citation along with a copy of the petition by certified mail return receipt requested. Return receipt was returned on the ____ day of _____, 201____ (or unserved for the reason on the certificate return)

GIVEN UNDER MY HAND AND SEAL OF SAID COURT, at office in Edinburg, Texas on this the 2nd day of April, 2015.

**LAURA HINOJOSA, DISTRICT CLERK
HIDALGO COUNTY, TEXAS**

COPY


PRISCILLA RIVAS, DEPUTY CLERK

**COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,
CONSTABLE OR CLERK OF THE COURT**

In accordance to Rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

“My name is _____, my date of birth is _____ and the address is _____, and I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED in _____ County, State of Texas, on the _____ day of _____, 20____.

Declarant”

**If Certified by the Supreme Court of Texas
Date of Expiration / SCH Number**

C-1278-15-H
389TH DISTRICT COURT, HIDALGO COUNTY, TEXAS

CITATION

THE STATE TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you.

Ryder Truck Rental, Inc.
Registered agent: Corporate Creations Network, Inc
4265 San Felipe #1100
Houston TX 77027

You are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION at or before 10:00 o'clock a.m on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the Honorable 389th District Court of Hidalgo County, Texas at the Courthouse, 100 North Clossner, Edinburg, Texas 78539.

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The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at Edinburg, Texas on this the 2nd day of April, 2015.

LAURA HINOJOSA, DISTRICT CLERK
HIDALGO COUNTY, TEXAS

PRISCILLA RIVAS DEPUTY CLERK



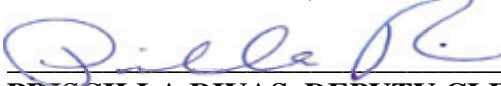
CERTIFIED MAIL 70142120000342599421

**CERTIFICATE OF RETURN
UNDER RULES 103 T.R.C.P.**

This is to certify that on this the 2nd day of April, 2015 I, Priscilla Rivas, Deputy Clerk of the 389th District Court of Hidalgo County, Texas mailed to the defendant in Cause Number C-1278-15-H, Vivian Saenz VS. Adizjon Razikov, Ryder Truck Rental, Inc. and Roadtex Transportation Corporation a copy of the citation along with a copy of the petition by certified mail return receipt requested. Return receipt was returned on the ____ day of _____, 201____ (or unserved for the reason on the certificate return)

GIVEN UNDER MY HAND AND SEAL OF SAID COURT, at office in Edinburg, Texas on this the 2nd day of April, 2015.

**LAURA HINOJOSA, DISTRICT CLERK
HIDALGO COUNTY, TEXAS**



PRISCILLA RIVAS, DEPUTY CLERK

COPY

**COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,
CONSTABLE OR CLERK OF THE COURT**

In accordance with Rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

“My name is _____, my date of birth is _____ and the address is _____, and I declare under penalty of perjury that the foregoing is true and correct.



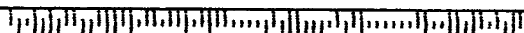
EXECUTED in _____ County, State of Texas, on the ____ day of _____, 20____.

Declarant”

**If Certified by the Supreme Court of Texas
Date of Expiration / SCH Number**

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>ADIZJON RAZIKOV 26 EBBITTS ST APT #5C STATEN ISLAND NY 10306</p>		<p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p>	
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No C-1278-15-H</p>	
		<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Transfer) 7014 2120 0003 4259 9414</p>			
<p>PS Form 3811, July 2013 Domestic Return Receipt</p>			

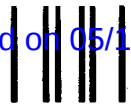
TAB 5

NEW YORK UNITED STATES POSTAL SERVICE 14 APR '15 PM 15 L		First-Class Mail Postage & Fees Paid USPS Permit No. G-10
FILED		
• Sender: Please print your name, address, and ZIP+4® in this box •		
AT _____ O'CLOCK 		
APR 20 2015		
LAURA PINOJOSA, CLERK Hidalgo County District Courts, Hidalgo County District Clerk Deputy #39 P.O. Box 87 Edinburg, TX 78540		
		

SENDER COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature X <i>[Signature]</i></p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Registered Agent: Corporate RYDER TRUCK RENTAL, INC. 4265 SAN FELIPE #1100 HOUSTON TX 77027</p>		<p>B. Received by (Printed Name) Kathy Murcha</p> <p>C. Date of Delivery 4/15/15</p>	
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>Creations Network C-1278-15-H</p>	
		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Transfer from st) 7014 2120 0003 4259 9421</p>			
PS Form 3811, July 2013		Domestic Return Receipt	

TAB 6

UNITED STATES POSTAL SERVICE
HOUSTON, TX 773
15 APR '15
PM 2:1



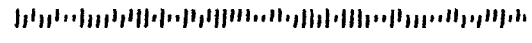
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box•

Hidalgo County
District Clerk
P.O. Box 87
Edinburg, TX 78542

FILED
At _____ O'CLOCK _____ M
APR 20 2015

LAURA HINOJOSA, CLERK
District Courts, Hidalgo County
By _____ Deputy#39



CAUSE NO.: C-1278-15-H

VIVIAN SAENZ	§	IN THE DISTRICT COURT
	§	
vs.	§	
	§	
ADIZJON RAZIKOV, Individually,	§	389 TH JUDICIAL DISTRICT
RYDER TRUCK RENTAL, INC., and	§	
ROADTEX TRANSPORTATION	§	
CORPORATION	§	HIDALGO COUNTY, TEXAS

**DEFENDANT ADIZJON RAZIKOV'S
ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW **ADIZJON RAZIKOV**, Defendant, in the above-entitled and numbered cause, and files this, his Original Answer to Plaintiff's Original Petition, and would show the Court the following:

I.

GENERAL DENIAL

Defendant Adizjon Razikov denies each and every, all and singular allegations contained in Plaintiff's Original Petition and demands strict proof thereof.

II.

AFFIRMATIVE DEFENSES

Defendant alleges that if Plaintiff was injured as alleged, which is not admitted but is expressly denied, such injuries were caused or contributed to, in whole or in part, by a party for whom Defendant is not responsible. Defendant reserves its right to submit all persons or entities, known or unknown, including Plaintiff, shown by the evidence as being responsible for their proportionate share of responsibility under Texas Civil Practice & Remedies Code Ch. 33,

whether the result of their contributory negligence, assumption of the risk, or any other breach of a legal standard permitted under the statute.

Defendant further affirmatively alleges that the acts or omissions of Plaintiff may constitute negligence, and may have been the sole proximate cause of the accident and injuries complained of in this lawsuit.

Defendant further invokes the provisions of §33.001 of the Texas Civil Practice & Remedies Code. In this case, Defendant alleges that the negligence of Plaintiff is fifty-one percent (51%) or greater, and therefore, no damages may be recovered from Defendant.

Defendant further invokes the provisions of §33.013 of the Texas Civil Practices & Remedies Code in the unlikely event that liability is established by Plaintiff in this cause.

Defendant invokes its legal right to a reduction of any dollar verdict which may be rendered in this cause by credit for payments made by Plaintiff or other persons or entities, or by percentage reductions to which Defendant would be entitled as a result of jury findings against Plaintiff or parties other than the undersigned Defendant, including co-defendants. In this connection, Defendant reserves the right to submit issues against parties, including but not limited to Plaintiff, as well as any other responsible third party who may be present in this case or absent from the case at the time the matter is passed to the jury for fact determinations.

Defendant further specifically denies that it is liable for prejudgment interest in this cause of action as pled by Plaintiff, in a good faith argument for the modification or reversal of existing law.

Defendant affirmatively pleads that the claims of Plaintiff may be barred, in whole or in part, due to the comparative negligence of Plaintiff in that he may have failed to exercise ordinary care, caution and prudence to avoid the incident and injuries at issue. Plaintiff's acts and

omissions, whether taken together or separately, proximately caused the injuries to Plaintiff as alleged.

Defendant hereby pleads the limitation on recoverable damages concerning Plaintiff's medical or health care expenses, if any, to the amount actually paid by or incurred on behalf of the Plaintiff pursuant to §41.0105 of the Texas Civil Practice and Remedies Code.

III.

DEMAND FOR JURY TRIAL

Defendant demands a trial by jury pursuant to TEX. R. CIV. P. 216 and tenders the jury fee.

IV.

PRAYER

WHEREFORE, PREMISES CONSIDERED Defendant ADIZJON RAZIKOV prays that Plaintiff's Petition be dismissed at her cost; and for such other and further relief to which this Defendant may be entitled, either at law or in equity.

Respectfully submitted,

SAENZMARTINEZ, PLLC
1206 E. Van Buren Street
Brownsville, Texas 78520
(956) 621-7562
(956) 621-7563 (Fax)
carla@saenzmartinez.com

By: 
CARLA SAENZ MARTINEZ
State Bar No.: 17514595

*Attorney for Defendant
Adizjon Razikov*

CERTIFICATE OF SERVICE

A copy of the above document was served on this 1st day of May, 2015, by delivering a copy of the above to the attorney for Plaintiff in accordance with Tex. R. Civ. P. 21a.

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Mr. Toribio "Terry" Palacios
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Attorney for Plaintiff


CARLA SAENZ MARTINEZ

CAUSE NO.: C-1278-15-H

VIVIAN SAENZ	§	IN THE DISTRICT COURT
	§	
vs.	§	
	§	
ADIZJON RAZIKOV, Individually,	§	389 TH JUDICIAL DISTRICT
RYDER TRUCK RENTAL, INC., and	§	
ROADTEX TRANSPORTATION	§	
CORPORATION	§	HIDALGO COUNTY, TEXAS

**DEFENDANT RYDER TRUCK RENTAL, INC.'S
ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW **RYDER TRUCK RENTAL, INC.**, Defendant, in the above-entitled and numbered cause, and files this, its Original Answer to Plaintiff's Original Petition, and would show the Court the following:

I.

GENERAL DENIAL

Defendant Ryder Truck Rental, Inc., denies each and every, all and singular allegations contained in Plaintiff's Original Petition and demands strict proof thereof.

II.

VERIFIED DENIAL

Defendant denies that it is incorporated as alleged in Plaintiff's Original Petition. TRCP 52. Specifically, this Defendant denies that it is a corporation based in Texas, and organized under the laws of the State of Texas, and Defendant therefore hereby moves this Court to abate all claims asserted by Plaintiff against this Defendant in this cause until such time as Plaintiff has

amended her pleadings to properly identify the proper entity. *See Verified Denial attached as Exhibit A and incorporated herein by reference.*

III.

DEMAND FOR JURY TRIAL

Defendant demands a trial by jury pursuant to TEX. R. CIV. P. 216 and tenders the jury fee.

IV.

PRAYER

WHEREFORE, PREMISES CONSIDERED Defendant RYDER TRUCK RENTAL, INC. prays that the claims asserted by Plaintiff against this Defendant be abated until such time as Plaintiff amends her pleading to identify the proper entity, that Plaintiff's Petition be dismissed at her costs; and for such other and further relief to which this Defendant may be entitled, either at law or in equity.

Respectfully submitted,

SAENZMARTINEZ, PLLC
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By: 
CARLA SAENZ MARTINEZ
State Bar No.: 17514595

*Attorney for Defendant
Ryder Truck Rental, Inc.*

CERTIFICATE OF SERVICE

A copy of the above document was served on this 4th day of May, 2015, by delivering a copy of the above to the attorney for Plaintiff in accordance with Tex. R. Civ. P. 21a.

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Attorneys for Plaintiff


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RYDER TRUCK RENTAL, INC., and	§	
ROADTEX TRANSPORTATION	§	
CORPORATION	§	HIDALGO COUNTY, TEXAS

**DEFENDANT RYDER TRUCK RENTAL, INC.'S
DEMAND FOR JURY TRIAL**

TO THE HONORABLE JUDGE OF SAID COURT:

Pursuant to Rule 216 of the Texas Rules of Civil Procedure and Section 51.604 of the Government Code, Defendant **RYDER TRUCK RENTAL, INC.**, hereby makes this formal application for a Jury Trial. A jury fee in the amount of THIRTY DOLLARS AND 00/100 (\$30.00) is being paid to the Hidalgo County District Clerk simultaneously with the filing of this Demand.

Respectfully submitted,

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Ryder Truck Rental, Inc.*

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